

REMARKS

Consideration of the present application in view of the above amendments and the following election is respectfully requested.

Claims 1-51 were pending. Claims 18, 29 and 30 have been canceled without prejudice to future prosecution in a related application. Accordingly, claims 1-17, 19-28 and 31-51 are pending.

Claims 1-17, 19-28 and 31-51 have been amended to clarify the claimed subject matter. Support for such amendments may be found throughout the present application, especially in Examples 3 and 4. No new matter has been added.

In response to the Restriction Requirement dated June 24, 2008, Applicant elects with traversal, Group I, claims 1-11, 19-44 and 46-51, drawn to hybridization probe and method of use.

Applicant respectfully traverses the restriction requirement between Groups I and II. Applicant submits that the combination of the amplification of a region of the *narGHJI* nitrate reductase operon and detection of a polymorphism specific for *Mycobacterium tuberculosis* in that region is the specific technical feature that links Groups I and II. The primers in Group II are used in amplifying the region of the *narGHJI* for the detection of the polymorphism specific for *Mycobacterium tuberculosis* using the probes in Group I.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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